

D.B. CIVIL SPECIAL APPEAL(W)NO.1094/2006

Rajesh Sikarwar
Vs.
The Union of India & Ors.

DATE OF ORDER :: 14-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri R.S. Bhadauria, for the appellant.

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant. The appellant had filed the writ petition challenging the decision of the respondent authorities in the matter of appointment on compassionate ground.

Counsel submitted that as the appellant seeks employment in the Department of Posts, Government of India, the writ petition was not maintainable in view of the bar contained in Section 14 of the Administrative Tribunals Act, 1985.

Having filed the writ petition himself, we wonder if this plea can be taken by the appellant, particularly when the objection to that effect was taken by the respondent in para 9 of the reply. We are of the view that if the writ petition was not maintainable, this appeal has to be dismissed as not maintainable on the same ground. However, while thus dismissing the appeal, we would give liberty to the appellant to file original application under Section 19 of the Administrative

Tribunals Act before the Central Administrative Tribunal in respect of his grievance/reliefs in accordance with law.

The appeal stands dismissed.

[MOHAMMAD RAFIQ], J.

[S.N.JHA], CJ.

Praveen